

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**ROGER FOUNTAIN**

**Plaintiff,**

**VS.**

**NORTH AMERICAN BANCARD, LLC  
d/b/a PAY ANYWHERE, LLC**

**Defendant.**

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**CASE NO. 4:12CV459**

**ORDER AND ADVISORY**

The Court has received Defendant's Notice of Removal (Dkt. 1) in this matter and enters the following Order and Advisory.

The Federal Rules of Civil Procedure do not require parties to replead following removal. FED. R. CIV. P. 81(c)(2). However, the parties should note the different pleading standards in state and federal court. In particular, Federal Rule of Civil Procedure 8(b) mandates that a defending party admit or deny each allegation against it. Also, Federal Rule of Civil Procedure 9 sets forth heightened pleading requirements for certain matters.

In the interest of efficient management of the Court's docket, the parties may replead as necessary to comply with the Federal Rules of Civil Procedure and the Court's Local Rules.<sup>1</sup> Any amended complaint is due thirty (30) days from the date of this Order. Defendant's amended answer is due twenty (20) days from receipt of the amended complaint. Any previous deadline to answer is extended until twenty (20) days from receipt of the amended complaint.

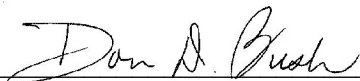
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<sup>1</sup>The Court's Local Rules are available through the Court's website at <http://www.txed.uscourts.gov>.

The Court also directs the parties' attention to Local Rule CV-7. While the parties should be familiar with all the Federal and Local Court Rules, the Court points to this rule specifically as it renders moot all motions urged prior to removal. Accordingly, the Court will only consider motions reurged in this Court.

**SO ORDERED.**

**SIGNED this 27th day of July, 2012.**

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE